

From: mark nesky
To: Microsoft ATR
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Subject: Microsoft Settlement

I firmly believe that Microsoft is a monopoly, and I hope they are prosecuted.

Microsoft is a colossal company, and as a consumer, I feel like their monopoly is much more far-reaching than just their web browser, Internet Explorer. And I am not referring to their flawed implementation of Java or the control they exert over computer manufacturers ability to configure the machines they sell. I am referring to their overall market pervasiveness, that my only choice for word processing and spreadsheet software is Microsofts Office program. And that I need to use the Microsoft Windows operating system to be compatible with the network where I am employed. There are alternative software programs to those offered by Microsoft, but often they are harder to find and less likely to be fully compatible with the software used by colleagues.

I believe a poignant example of their monopoly is the way they can intentionally make older versions of their software incompatible. What I mean is, when a few people upgrade to the newest version of a Microsoft product, their colleges must also upgrade if they want to be able to share files. Thus I could have a perfectly good piece of Microsoft software that serves my needs as is, yet be forced to pay money to Microsoft in order to maintain compatibility. THEY ARE BREAKING SOFTWARE I OWN, SOFTWARE THAT ONCE WORKED FINE.

A friend of mine who is a Linux programmer explained how Microsoft broke Excel files. My friend was writing a program that read in Excel files for use in an alternate spreadsheet program that runs on Linux. His study of two versions of the file format showed them to be exactly the same except a small tag in the beginning that stated the version of Excel that created the file. Because of this tag, older versions of Excel refuse to open the file, even though the file is fully compatible. Thus Microsoft used the file format to force Excel users to upgrade, even though the new file format is identical except for this tag!

A well-designed file format should transcend software versions. When a new feature is added to the file format,

that feature can be tagged with a name when it is used. Thus a file that does not require the new feature will be identical to the old file format, and a file that does use the new feature can mostly be read by older software, which can read everything except the part with the new feature, which it will ignore. The practice of intentionally breaking older files is immoral. But since there are few alternatives to Microsoft software, people must buy and keep buying it.

Microsofts new subscription based business model is simply making their shady forced upgrades explicit. As described above, they are forcing people to upgrade to new versions by making older version incompatible. But with a subscription model, they will force us to upgrade because our license has run out. The only reason they could get away with such atrocity is because they are a monopoly!

From a prosecution point of view, perhaps the browser war with Netscape is a more clear-cut example of Microsofts monopoly. With Internet Explorer preinstalled and available in the start bar, the start menu, and on the desktop, it is clear that Microsoft is leveraging their operating system to promote their web browser. And with such a huge user base viewing the web through the Microsoft browser, Microsoft can sell default bookmarks to companies and promote its own wares through bookmarks and the default home page, furthering its monopoly.

Microsoft is so big and influential, that I worry that they will buy and cheat their way out of prosecution. I bet that there will be a disproportionate amount of pro-Microsoft email sent to the DOJ because Microsoft will be encouraging all its employees to flood this email address with praise. Microsoft will stoop that low, and if opportunity presents, much lower. If Microsoft is not prosecuted harshly, I fear the situation will worsen. They will get away with more and more, and their size and influence will grow. If their influence grows any more, there may not be an opportunity to prosecute again.

Their potential to influence has grown tremendously, especially now that they have bought NBC. I have not yet seen them abuse this power, but that is probably because I do not watch TV. But if Microsoft continues to grow, and even the news is delivered with a pro-Microsoft slant, there may be no hope for competition in the future.

I believe that Microsoft has grown out of hand, and I

really hope the government can stop this problem before it gets too late.

One proposed solution I heard in the continuing coverage of the trial was to break Microsoft into several smaller companies. Such a split might separate the operating system from other software programs. I believe such a split will be a good step in the right direction. But I hope that is not the only penalty imposed on Microsoft.

Another part of the solution should be requiring Microsoft to standardize and make available their file formats and interfaces. All communication between Microsoft programs, across networks, and between programs and the operating system should be well documented. In addition, this documentation should be made available well in advance of the software that makes use of it, so companies can make their alternative products compatible the moment the Microsoft programs hit the shelves. If the alternative software is fully compatible, then I believe it will have a much better chance of surviving. And I think that increased compatibility will benefit the software world in general. Standardized interfaces and file formats will make sharing file across versions, platforms, and vendors much more reliable. There will be much more competition and innovation.

Recently Microsoft proposed a settlement to the case brought against them by the states. The settlement proposed by Microsoft would not help, Microsoft offered to give a large dollar amount of their software away to schools. Fortunately, I think that the states saw through this ploy. This would not be punishment; this would simply be Microsoft furthering its monopoly! Microsoft would have extended its user base to many more people. And when these students left school, they would expect Microsoft software in the work place, because that is all they will have known!

If Microsoft escapes prosecution, it will only be because they are so big and influential. How ironic. Please do not let this happen!

If I sound biased, it is because I feel like I have been forced to use Microsoft products. There is little choice. And the choice there is, is obscured by a lack of money for marketing. When I mention alternative operating systems like BeOS (which recently went under) people don't know what I am talking about. Likewise, few people have heard

of other office vendors. Some of the alternative programs are better and cheaper, yet they go on unnoticed.

I am strongly opposed to Microsofts monopoly, but I want to be clear that I do not work for any competitor. Neither my employer nor myself stand to benefit directly from the prosecution of Microsoft. But I believe the whole United States will benefit if this monopoly is stopped.

Thank you for giving me the chance to express my opinion. I hope that justice is performed fairly. And I hope the outcome is determined by what would be best for this country and its people.

Sincerely,
Mark Nesky

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